

### **REMARKS**

The Office examined claims 1-17, rejected claims 1-8, 10-17 and objected to claim 9. With this paper, claims 1 and 12 are amended. New claims 18-20 are added. None are canceled. The application now includes 20 claims.

### **Claim Rejections under 35 USC §103**

At page 2 of the Office Action, claims 1-6, 8, 10-13 and 15-17 are rejected under 35 USC §103(a) as being unpatentable over Rydbeck (U.S. Patent No. 6,922,567) and in further view of Rankin (U.S. Patent Application Publication No. 2003/0119530).

Claim 1 recites a method for activating a location-based function. The method comprises the steps of determining at least one item of position data for the function as a condition for starting the function, using a device in a wireless communication network in which signals are transmitted, monitoring in the device at least one property of the wireless communication network to decide whether positioning of the device is to be conducted, and conducting the positioning so as to determine the position of the device if it is decided in the monitoring to conduct the positioning.

Claim 12 is a system claim, claim 15 is a device claim, and claim 17 is a program claim, all of which are provided for performing the method of claim 1.

In rejecting claims 1, 12, 15 and 17, the Office asserts that Rydbeck teaches the steps of determining at least one item of position data for the function as a condition for starting the function, and using a device in a wireless communication network in which signals are transmitted. However, the Office acknowledges that, Rydbeck does not disclose the third step of claim 1, i.e. monitoring in the device at least one property of the wireless communication network to decide whether positioning of the device is to be conducted.

In fact, Rydbeck teaches determining geographic location of a user, deciding whether the detected or received geographic location is within a predetermined proximity of an item associated with a registered interest to the user. If one or more items of interest to the user are within a predetermined proximity of the geographic location, the user is notified of the existence of the one or more items of interest. In Rydbeck, a communications network carrier detects a geographic location of a user (carrying a wireless device) or receives the location information from the user. The distance between the user and an item of interest to the user is determined. If the detected distance between the item of interest and the user is within a predetermined proximity, the user is notified of the existence of such item of interest. The location of the user may be determined by e.g. a GPS system of the wireless communicator or by receiving signals from a wireless communications system. Rydbeck also discloses that the transmission of the location information may be initiated when the location has changed a predetermined amount.

What Rydbeck does not teach is monitoring at least one property of the wireless communication network to decide whether positioning of the device is to be conducted. This at least one property of the wireless network, as described in the instant application, includes network-related properties such as cell identifier, signal strength and/or timing of a signal transmitted (page 3, lines 19-23 of the instant specification).

Moreover, Rydbeck is also silent on the last step, i.e. performing the determination of the location when at least one property of the wireless communications network indicates that the location is changed. Rydbeck only discloses that the location information is transmitted from the wireless communicator to the wireless communications system when the detected location has changed a certain amount.

Performing the method of Rydbeck requires a previously detected location of the wireless communicator and another detected location of the wireless communicator in order to determine whether the wireless communicator has moved a certain amount of distance. The determination is based on the difference between those two determined locations. In the present application, on

the other hand, the change in the location is not determined on the basis of location measurements but on a change in a monitored property of the wireless communication network, such as cell identifier, signal strength and/or timing of a signal transmitted. The determination of the new location is performed when the change in the monitored property indicates that there is a need to perform the positioning (the determination of the new location). With the method of claim 1, it is not necessary to perform the positioning as often as in that of the prior art. Thus, the total power consumption of the device can be reduced (see page 4, lines 6-20, of the instant application).

The Office then asserts that Rankin provides the steps that Rydbeck fails to teach. Applicant respectfully disagrees.

Rankin provides a method for power saving in a mobile device for use in conjunction with a plurality of beacon devices. The mobile device detects and receives data from such a beacon device when the mobile device is within a predetermined range from the beacon device. The current location of the mobile device is determined and compared with stored location data for some of those beacon devices. If the comparison indicated that the distance between the mobile device and a beacon device is longer than a predetermined value, the mobile device is set not to communicate with the beacon device to avoid unnecessary scanning of beacon signals when there is an expectation that the beacon signal can not be received at the current location of the mobile device. As of how to determine the location of the mobile device, Rankin teaches that coarse location data can be determined on the basis of broadcast cell identity or by using network triangulation techniques. Finer location data can be achieved by using GPS. Throughout the reference, Rankin is also silent on monitoring at least one property of a wireless communication network to determine whether there is a need to conduct the positioning of the device. In fact, Rankin teaches NOT to monitor the signals of beacon devices in order to save battery power of the mobile device (paragraph [0005]-[0011] of Rankin).

Applicant respectfully submits that, the combination of Rydbeck and Rankin would not lead to a solution that includes steps of monitoring in the device at least one property of the wireless communication network to decide whether positioning of the device is to be conducted, and performing the positioning if it is decided in the monitoring to conduct the positioning, because neither teaches such steps.

Therefore, on the basis of the above, the present invention, as recited in claims 1, 12, 15 and 17, is not obvious in view of Rydbeck and Rankin, either taken alone or combined. Claims 1, 12, 15 and 17 are believed to be patentable. Applicant respectfully requests the rejections of these claims under 35 USC §103(a) be reconsidered and withdrawn.

Moreover, since claims 1, 12, 15 and 17 are believed to be patentable for the above reasons, it is believed that the dependent claims thereof are patentable as well. Applicant respectfully requests the rejections of the dependent claims under 35 USC §103(a) be reconsidered and withdrawn.

At page 8 of the Office Action, claims 7 and 14 are rejected under 35 USC §103(a) as being unpatentable over Rydbeck (U.S. Patent No. 6,922,567) and in further view of Rankin (U.S. Patent Application Publication No. 2003/0119530). Applicant recognizes that Rankin is not relied upon in this section. Instead, Loke (US 6,728,528) is referred to.

Claim 7 depends on claim 1 and claim 14 depends on claim 12. Since claims 1 and 12 are believed to be patentable for the reasons presented above, it is believed that claims 7 and 14 are patentable as well. Applicant respectfully requests the rejections of claims 7 and 14 under 35 USC §103(a) be reconsidered and withdrawn.

**Conclusion**

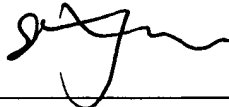
For all the foregoing reasons, it is believed that all of the claims of the application are allowable, and their passage to issue is earnestly solicited. Applicant's agent urges the Examiner to call to discuss the present response if anything in the present response is unclear or unpersuasive.

Respectfully submitted,

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